

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL K. FARRAR,

Plaintiff,

V.

**DOUGLAS COUNTY, NEBRASKA,
and ERIC K. FLEMING,**

Defendants.

8:09CV63

ORDER

This matter is before the court on Defendant Fleming's motion for leave to file a motion in limine out of time ([Filing No. 35](#)). The defendant filed a brief ([Filing No. 36](#)) in support of the motion.

The defendant seeks an order granting leave to file a motion in limine out of time to admit certain evidence under Rule 401 of the Federal Rules of Evidence. On September 25, 2009, the court entered a progression order setting February 16, 2009, as the deadline for **Daubert** motions. See [Filing No. 17](#) ¶ 5; **Daubert v. Merrell-Dow Pharms.**, 509 U.S. 579 (1993). However, the deadline for all other motions in limine is June 10, 2010. Therefore, based on the court's progression order dated September, 25, 2009, the instant motion is misplaced. Accordingly, the defendant's motion to file a motion in limine out of time will be denied as moot. Defendant may file his motion in limine more close in time when actually needed for future consideration. Upon consideration,

IT IS ORDERED:

The plaintiff's Motion for Leave to File Motion In Limine Out of Time ([Filing No. 35](#)) is denied.

DATED this 2nd day of March, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge